



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 7, 1998

Mr. Raymond L. Gregory  
Bracewell & Patterson, L.L.P.  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR98-1177

Dear Mr. Gregory:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114897.

The Katy Independent School District (the "district") received a request for information relating to the "Stonelodge" litigation. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.103(a) of the Government Code excepts from disclosure information relating to litigation to which a governmental body is or may be a party. The governmental body has the burden of providing relevant facts and documents to show that section 552.103(a) is applicable in a particular situation. In order to meet this burden, the governmental body must show that (1) litigation is pending or reasonably anticipated, and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You explain that "the 'Stonelodge litigation' is a lawsuit currently pending in the First Court of Appeals." Having reviewed the requested information, we agree that it relates to the pending litigation. Thus, we conclude that the district may withhold the requested information from disclosure pursuant to section 552.103(a).

We note, however, that if the opposing party in the pending litigation has seen or had access to any of the information in these documents, there would be no justification for

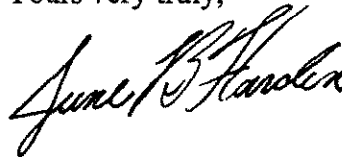
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<sup>1</sup>It appears that you only seek a determination on the information relating to the litigation. Therefore, we presume that you have released the remaining requested information.

withholding that information from disclosure pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/gle

Ref.: ID# 114897

Enclosures: Submitted documents

cc: Ms. Paulette Nelson  
5807 George Bush Drive  
Katy, Texas 77493  
(w/o enclosures)